

Customer No. 24498
Internal Docket No. SCP061792
Office Action Date: January 21, 2009

Remarks/Arguments

Claims 1 – 19 are pending in the application. Claims 1, 16 and 17 are independent. The claims have been amended to more clearly and distinctly claim the subject matter that applicants regard as their invention. No new matter is believed to be added by the amendment.

In the present response, the claims are not amended.

Rejection of claims 1 – 10, 12, 13 and 16 – 19 under 35 U.S.C. 103(a) as being unpatentable over Killian (US Patent 6,163,316) in view of Alexander et al. (US Patent 6,177,931), hereinafter Alexander, and further in view of Zigmond et al. (US Patent 6,571,392), hereinafter Zigmond.

Applicant submits that for at least the following reasons, claims 1 – 10, 12, 13 and 16 – 19 are patentable over Killian, Alexander and Zigmond, either singly or in combination.

For example, claim 1, in part, requires:

"a processing module receiving, from a software application received from another medium, initialization and marking information from said other medium, relating at least to the start and to the end of a television program." (Emphasis added)

In the Office Action, page 4, the Office argued that the software application is the EPG 70 in Killian, Fig. 3 and column 8, lines 36 – 56. However, Applicant submits that, in Killian, the EPG 70 is first downloaded from the internet over link 14; then the initialization and marking information is generated by the suggestion module 76 according to the profile database (Fig. 6, column 16, lines 31 – 50). Since the suggestion module operates within the device after the EPG 70 is downloaded, the initialization and marking information is generated by the suggestion mode 76 within the device.

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In the Office Action, page 2, Response to Arguments section, the Office alleged that the suggestion module does not generate any data and that initialization and marking information are received along with the EPG 70. Applicant respectfully disagrees.

Killian, column 16, lines 31 – 56, states:

"At step 208, suggest module 76 accesses viewer profile 84 in profile database 80 and program listing information 6 in program listing database 48, in cooperation with EPG API 60, link 14, and database server 46. Suggest module 76 may access one or more local databases periodically updated to contain program listing information 6 to replace or combine with accessing database 48. Suggest module 76 may access program listing information 6 for all programs airing on a particular date, within one or more time slots 114, or any other set of programs. At step 210, suggest module 76 and associated scoring algorithm 77 calculate, determine, or otherwise generate a program score for each program according to viewer profile 84 and program listing information 6. At step 212, suggest module 76 generates preferred schedule 100 having channel programming 102 for appropriate time slots 114. In one embodiment, a scoring indicator 116 is associated with each program for which preferred schedule contains channel programming 102, in the form of a color overlaying textual information concerning the program or in any other format." (Emphasis added)

From the above passage, it is clear that the suggestion module 76 generates preferred schedule 100 having channel programming 102 for appropriate time slots 114. The suggestion module 76 is already downloaded into the system, thus, the initialization and marking information relating at least to the start and to the end of a chosen television program is locally generated by the suggestion module and not received from another medium, for example, a software application received from another medium, as claimed.

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Therefore, Killian fails to disclose the claimed feature: a processing module receiving, from a software application received from another medium, initialization and marking information from said other medium, relating at least to the start and to the end of a chosen television program.

Applicant further submits that Alexander and Zigmond do not in any way cure the deficiencies present in Killian as discussed above for claim 1.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Killian, Alexander and Zigmond, either singly or in combination. Independent claims 16 and 17, contain similar distinguishing features as discussed above with respect to claim 1. Applicants essentially repeat the above arguments for claim 1 and apply them to claims 16 and 17 and submit that Killian, Alexander and Zigmond, either singly or in combination, fail to disclose the claimed features. Claims 2 – 10, 12, 13, 18 and 19 are patentable at least because they respectively depend from claims 1 and 17, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 1 – 10, 12, 13 and 16 – 19 under 35 U.S.C. 103(a) is respectfully requested.

Rejection of claim 11 under 35 U.S.C. 103(a) as being unpatentable over Killian, Alexander, Zigmond , and further in view of Ellis et al. (US Patent 6,665,869), hereinafter Ellis.

Applicant submits that Ellis does not in any way cure the deficiencies present in the combination of Killian, Alexander and Zigmond as discussed above for claim 1. Therefore, claim 11 is patentable for at least the reason that it depends from claim 1 and because claim 11 includes further distinguishing features. Withdrawal of the rejection of claim 11 under 35 U.S.C. 103(a) is respectfully requested.

Rejection of claims 14 and 15 under 35 U.S.C. 103(a) as being unpatentable over Killian, Alexander, Zigmond , and further in view of Feinleib et al. (US Patent Application Publication 2005/0166257), hereinafter Feinleib.

Applicant submits that Feinleib does not in any way cure the deficiencies present in combination of Killian, Alexander and Zigmond as discussed above for claim 1.


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Therefore, claims 14 and 15 are patentable for at least the reason that they depend from claim 1, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 14 and 15 under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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